

R E M A R K S

Claims 1, 3 and 5-13 are now in this application, and are presented for the Examiner's consideration.

Telephone Interview

The undersigned would like to thank Examiner Pickett for the courteous telephone interview afforded the undersigned on July 21, 2009.

In that interview, it was pointed out that the same references applied against the claims herein, except for the Mason patent, were cited against applicant's related U.S. Patent Application No. 10/539,266, which is similar except that it does not include the breakable blister.

It was pointed out that Mason is similar to the Smith patent cited against the present application and against related U.S. Patent Application No. 10/539,266. This U.S. Patent Application No. 10/539,266 issued into U.S. Patent No. 7,523,821 on April 28, 2009.

It was further pointed out that the claims of said related U.S. Patent Application No. 10/539,266 were allowed over all of this same prior art in view of the added limitation of the material including cotton wall being housed in the applicator therein.

In view of the same, the Examiner agreed that the addition of this limitation to the independent claims herein overcomes the prior art of record.

In this regard, claims 1, 11 and 12 have been amended to parallel the language in allowed 1 of U.S. Patent No. 7,523,821. Of course, these claims include the additional limitation of the blister which is not found in claim 1 of U.S. Patent No. 7,523,821.

It is therefore submitted that all of the claims now in the present application are allowable over the prior art of record.

Prior Art Rejections

Claims 1, 3, 5-8 and 11-13 were rejected under 35 U.S.C. §103(a) as being obvious from U.S. Patent No. 4,372,098 to Mason in view of U.S. Patent No. 6,547,468 to Gruenbacher et al.

The remarks made against these references in the previous Amendment filed April 15, 2009 are incorporated herein.

As discussed above, the Examiner agreed in the telephone interview that the addition of the limitation of a material including cotton wool being housed in said pouch, would patentably distinguish from this combination of references, and thereby overcome this rejection.

In this regard, claims 1, 11 and 12 have been amended to conform to claim 1 of applicant's related U.S. Patent No. 7,523,821, by reciting:

said pouch is enclosed in said protective cover, and a material including cotton wool is housed in said pouch such that said substance is distributed in said material when said blister is broken.

Mason merely discloses an applicator pad impregnated with an antiseptic liquid, such as iodine, which is injected into recesses where the pad is disposed through the manufacturing process. Thus, there is no way to provide any material including cotton wool housed in a pouch.

Gruenbacher et al also fails to disclose or suggest such a material including cotton wool housed in a pouch.

Therefore, even if the references are combined, they would still not produce or suggest the present claimed invention.

In any event, since the Examiner agreed that the addition of this limitation to the independent claims would overcome this rejection, it is respectfully submitted that the rejection of claims 1, 3, 5-8 and 11-13 under 35 U.S.C. §103(a) has been overcome.

Claim 4 was rejected under 35 U.S.C. §103(a) as being obvious from Mason and Gruenbacher et al as applied above and further in view of U.S. Patent No. 4,762,124 to Kerch et al.

The remarks previously made above in regard to Mason and Gruenbacher et al are incorporated herein, and are therefore not repeated.

Further, the remarks made against all of these references in the previous Amendment filed April 15, 2009 are incorporated herein.

As pointed out in the telephone interview, Kerch was also cited against applicant's related U.S. Patent Application No. 10/539,266 which issued into U.S. Patent No. 7,523,821. See paragraph no. 2 in the Office Action dated October 16, 2008 in related U.S. Patent Application No. 10/539,266 in which Kerch was applied against all of the claims that did not recite the material including cotton wool, but was not applied against application claim 13 (patent claim 1) that did recite the material including cotton wool.

Since claims 1, 11 and 12 have been amended to conform to claim 1 of applicant's related U.S. Patent No. 7,523,821, by reciting the addition of the material including cotton wool, and since the Examiner agreed in the telephone interview that the addition of this limitation to the independent claims would overcome this rejection, it is respectfully submitted that the rejection of claim 4 under 35 U.S.C. §103(a) has been overcome.

Claims 9 and 10 were rejected under 35 U.S.C. §103(a) as being obvious from Mason and Gruenbacher et al as applied above and further in view of U.S. Patent No. 6,695,515 to Fleury and U.S. Patent No. 5,511,689 to Frank.

The remarks previously made above in regard to Mason and Gruenbacher et al are incorporated herein, and are therefore not repeated.

Further, the remarks made against all of these references in the previous Amendment filed April 15, 2009 are incorporated herein.

As pointed out in the telephone interview, Fleury and Frank were also cited against applicant's related U.S. Patent Application No. 10/539,266 which issued into U.S. Patent No. 7,523,821.

Since claims 1, 11 and 12 have been amended to conform to claim 1 of applicant's related U.S. Patent No. 7,523,821, by reciting the addition of the material including cotton wool, and since the Examiner agreed in the telephone interview that the addition of this limitation to the independent claims would overcome this rejection, it is respectfully submitted that the rejection of claims 9 and 10 under 35 U.S.C. §103(a) has been overcome.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

In the event that this Paper is late filed, and the necessary petition for extension of time is not filed

concurrently herewith, please consider this as a Petition for the requisite extension of time, and to the extent not tendered by check attached hereto, authorization to charge the extension fee, or any other fee required in connection with this Paper, to Account No. 07-1524.

The Commissioner is authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 07-1524.

In view of the foregoing amendments and remarks, it is respectfully submitted that Claims 1, 3 and 5-13 are allowable, and early and favorable consideration thereof is solicited.

Respectfully submitted,


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